

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v	:	Crim. No 05-170 (RJL)
	:	
CLIFTON RAY GORHAM	:	

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE
RESCHEDULED STATUS HEARING

Defendant, Clifton Ray Gorham, through undersigned counsel, respectfully requests that this Court continue the status hearing in the case, recently rescheduled from September 7, 2005 until September 15, 2005, until the following week. As grounds therefore, Defendant states as follows.

1. On May 25, 2005, Defendant was arraigned on an indictment charging him with one count each of unlawful possession of a firearm and ammunition by a felon, in violation of 18 U. S. Code §922(g)(1), assault with a dangerous weapon, in violation of D.C. Code § 22-402, and possession of a firearm during a crime of violence, in violation of D.C. Code § 22-4504(b).

2. Defendant was initially represented by Michelle Peterson, Esq., of the Federal Defender Service. The attorney - client relationship between Defendant and Ms. Peterson broke down and on August 10, 2005, the Court granted Ms. Peterson's motion to withdraw as counsel and ordered new counsel be appointed. A status date of September 7, 2005 was set at that time. On August 16, 2005, undersigned counsel entered his appearance.

3. On September 6, 2005, the Court rescheduled the status hearing set for September 7, 2005 to 4:00 p.m. on September 15, 2005. Undersigned counsel was not contacted prior to selecting the new date and time. Counsel is unavailable the afternoon of September 15, 2005, having had previously arranged plans to leave town on the afternoon of that date. (Counsel would have been available in the morning of that date.) Counsel therefore requests that this Court continue the status hearing until a mutually agreeable date the following week.

4. Mr. Carlos Acosta, the Assistant United States Attorney assigned to the case, has no objection to this continuance. Mr. Acosta is available most days the following week except the afternoon of Monday, September 19, 2005 and all day on Thursday, September 22, 2005.

WHEREFORE for the above reasons Defendant respectfully requests that this Court continue the status hearing in the case, recently rescheduled from September 7, 2005 until September 15, 2005, until the following week.

Respectfully submitted

/s/

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Attorney for Defendant

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT'S UNOPPOSED MOTION TO CONTINUE
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Although the Federal Rules of Criminal Procedure do not expressly address status hearings by name, the rules clearly entrust scheduling matters to the Court's discretion, subject to any speedy trial constraints. Given that Defendant sought, and was granted, appointment of new counsel, the brief delay occasioned by the conflict between new counsel's previously arranged plans and the Court's schedule is a reasonable one.

Respectfully submitted

/s/

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Attorney for Defendant